



Board of Commissioners of Cook County

Report of the Criminal Justice

Tuesday, July 22, 2014

**11:15 AM Cook County Building, Board Room, Rm. 569
118 North Clark Street, Chicago, Illinois**

SECTION 1

ATTENDANCE

Present: Chairman Collins, Commissioners Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

PUBLIC TESTIMONY

Chairman Collins asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd):

1. George Blakemore

14-3726

323681 CREATION OF A COOK COUNTY TASKFORCE TO EVALUATE THE FEASIBILITY OF ESTABLISHING A COUNTYWIDE FIREARM REGISTRATION SYSTEM AND A REFERENCE BALLISTICS IMAGING DATABASE (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

**CREATION OF A COOK COUNTY TASKFORCE TO EVALUATE THE
FEASIBILITY OF ESTABLISHING A COUNTYWIDE FIREARM
REGISTRATION SYSTEM AND A
REFERENCE BALLISTICS IMAGING DATABASE**

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility to protect the health, welfare and safety of its residents; and

WHEREAS, the fight against violent crime is one of the most important law enforcement initiatives of our day. And although much progress has been made in reducing the level of violent crime there is much more that can and must be done; and

WHEREAS, from Newtown, Connecticut to Chicago to Boston to the White House, Federal, State and local law enforcement are now engaged in a national debate to find more effective and efficient ways of addressing gun violence; and

WHEREAS, forensic science has long played a key role in the detection and solution of crimes. The science of ballistics, in particular, has been an important component in addressing violent crimes, which are often committed with firearms; and

WHEREAS, the general principle behind ballistic imaging technology is that each firearm imparts markings, unique to that firearm, on the shell casing and projectile of expended ammunition. Ballistic imaging technology was first employed by the Federal Bureau of Investigation (FBI) and the Alcohol, Tobacco, Firearms and Explosives (ATF) in the early 1990s. Later the collaboration between the FBI and ATF resulted in a unified system called the National Integrated Ballistic Information Network which specializes in ballistic imaging of crime-scene data; and

WHEREAS, interest by states to evaluate the desirability and feasibility of establishing a reference databases of projectiles/cartridge cases associated with firearms sold by dealers within their jurisdiction prompted the Office of Justice Programs, National Institute of Justice and the Department of Justice to commission the Center for Criminal Justice Technology (CCJT) to develop a computer-based impact analysis model and handbook to assist state legislators and law enforcement officials in establishing and operating a Reference Ballistic Imaging Database (RBID) that meets national standards; and

WHEREAS, the creation of a statewide RBID system would call for all test-fired shell casings and projectiles be provided to the state police at the time of sale for all new or refurbished guns. Once the exemplars are imaged and archived, the images will be stored in an image database, along with such information as serial number, gun model, and vendor; and

WHEREAS, shell casings or bullets that are recovered from crime scenes may be imaged and searched against the RBID. A hit will identify the serial number and type of firearm that fired the ammunition recovered at the crime scene. This information, in turn, can be used in conjunction with the state's permit or registration database to determine the original legal owner of the firearm. Law enforcement authorities will then use this information as a lead to help determine the perpetrator(s) of the crime being investigated. Effectively, this approach permits the conduct of a gun trace without having recovered a firearm. In the case of a gun that has been recovered from a crime scene and whose serial number has been obliterated, law enforcement officials can test-fire the gun, image the shell casing and/or projectile, and then search the RBID to determine such information as the gun make, model, serial number, and vendor.

NOW, THEREFORE, BE IT RESOLVED, that the President and the Cook County Board of Commissioners create a taskforce to evaluate the feasibility of establishing a countywide firearms registration system and a reference ballistics imaging database.

***Referred to the Committee on Criminal Justice on 05/19/13.**

A motion was made by Commissioner Suffredin, seconded by Commissioner Tobolski that this Resolution be recommended for deferral. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

14-3727

323682 INTENSIVE STUDENT EDUCATION AND FAMILY SUPPORT CENTERS (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

INTENSIVE STUDENT EDUCATION AND FAMILY SUPPORT CENTERS

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, it is a universal concept that family and community issues impact educational success and that when social and economic supports are not available to assist children and their families to buffer the consequences of poverty and other problems then no amount of school reform will change the educational success of the abovementioned population; and

WHEREAS, just as important is the data, which has historically been the same, showing the correlation between education and self-worth, decision making, crime, unemployment, homelessness, incarceration and health; and

WHEREAS, it has been nationally accepted and proven that early identification and intervention programs have better results for behavior modification problems than to wait until children get into more serious problems at a later age; and

WHEREAS, the school system affords the greatest opportunity for early identification of children who are experiencing academic and/or social difficulties in their homes and/or at school; and

WHEREAS, children of working parents or guardians who are expelled from school for extended periods of time without supervision are prime targets for gang recruitment and other criminal activities; and

WHEREAS, the concept behind the centers is to take a holistic approach to addressing problems by linking home, school and community to create a more comprehensive, integrated system of school-based student and family support services.

NOW, THEREFORE, BE IT RESOLVED, that the President and the Cook County Board of Commissioners recognizes the potential for the use of intensive student education and family support centers to address crime reduction and family and community stability; and

BE IT FURTHER RESOLVED, that the President and the Cook County Board of Commissioners extend an open invitation to the Illinois State Board of Education, Illinois P-20 Council, City of Chicago, Chicago Board of Education and community stakeholders to discuss more effective ways to better serve the needs of children from families who are at risk of academic and/or social economic failure and the creation of a lead exploratory committee to examine the use of these centers; and

BE IT FURTHER RESOLVED, that the exploratory committee examines the feasibility of establishing intensive student education and family support centers that:

- Serve students at risk of academic failure and behavioral problems; and
- Are located in or near schools in which twenty percent (20%) or more of the student body are eligible for free or reduced-priced school meals; and
- Promote identification and coordination of new and existing funding and resource pools; and
- Include, but not limited to, the following core components:
 - a. Afford students who exhibit behavioral problems alternatives to suspension except for those who commit crimes that would constitute a felony if they were adults; and
 - b. Afford opportunities for early identification and intervention for students who are at risk for academic failure and behavioral problems; and
 - c. Promote a holistic approach when addressing students problems including family's critical needs that impact the students ability to succeed academically and socially; and
 - d. Minimize the need for new funds by funding collaborations with federal, state and local units of government, utilizing professionals who qualify for government and private reimbursement, establish agreements with colleges and universities with internships and other programs; and
 - e. Provide safe havens for children who are forced to live in hostile home environments through establishing temporary housing campus like settings; and
 - f. Academic and social economic success; and
 - g. A safe, stimulating, learning environment; and
 - h. Behavior modification; and
 - i. Individualized service plans for students in crisis, to be administered by professionals who qualify for third party reimbursement; and
 - j. Reducing school expulsions to only those who commit crimes that would constitute a felony; and
 - k. Child, family and community advocacy programs; and

BE IT FURTHER RESOLVED, that the Exploratory Committee issue a written report of its findings within six months from the date of its' creation; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to the Illinois State Board of Education, Illinois P-20 Council, City of Chicago, Chicago Board of Education and selected community stakeholders in hopes of collectively finding solutions to minimize barriers to education.

***Referred to the Committee on Criminal Justice on 05/19/13.**

A motion was made by Commissioner Suffredin, seconded by Commissioner García that this Resolution be accepted as substituted. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

PROPOSED SUBSTITUTE RESOLUTION 14-3727

Sponsored by: EARLEAN COLLINS, County Commissioner

PROPOSED SUBSTITUTE RESOLUTION

CRISIS INTERVENTION AND BEHAVIORAL HEALTH CENTERS

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, there is a growing body of evidence that underscores the urgent need for bold action to find effective solutions to reduce violence, suicide and other antisocial behavior problems among youth and break the cycle of gun violence in our communities which begins at earlier ages and impacts larger masses of innocent people each year; and

WHEREAS, it has been proven that the most effective ways to break the cycle of violence is to begin at earlier ages with proper diagnosis and intervention strategies that will determine the root causes and proper treatments prior to more serious acts of violence; and

WHEREAS, the trauma informed model program has been accepted as one of the most best case practices for diagnosing trauma related behavior; and research has shown that there is a direct correlation between traumatic experience, antisocial behavior, teen suicide rate, youth violence, academic failure and low self-esteem; and

WHEREAS, a recent Northwestern University study concluded that 2/3 of males and ¾ of females detained at the Cook County Juvenile Temporary Detention Center (JTDC) have some form of mental illness; and

WHEREAS, according to the Centers for Disease Control (CDC), Chicago's teen suicide rate has been the highest in the nation since June of 2012. The U.S. suicide statistics indicate that mental illness, trauma, and substance abuse has a direct correlation with the juvenile suicide rate. On average, a young person (age 15-24) dies by suicide every two hours. Suicide is the third leading cause of death for young people (15-24), and the fifth leading cause of death for young people aged 5-14. Most of the recent mass shootings on our school grounds have usually ended with the perpetrator committing suicide; and

WHEREAS, substance abusers have easy access to the flow of drugs in economically depressed communities which have few job prospects and in which the residents have exhausted all legal mean to

meet their basic needs thus making it easy for the sale of drugs to become the primary economic engine for survival; and

WHEREAS, it has been nationally accepted and proven that early identification and intervention programs have better results for behavior modification problems than to wait until children get into more serious problems at a later age; and

WHEREAS, according to a Project NIA report, Chicago Public School (CPS) students are the human lifeline that feeds the JTDC. In 2012, 84% of CPS student arrests were for minor crimes. Minor offenders are often given disciplinary suspensions. Students who are suspended are three times more likely to drop out of high school by the 10th grade and males who dropped out of school are five times more likely to be incarcerated than their peers with diplomas. While blacks represent only about 42% of CPS students, they accounted for a staggering 75% of school-based arrests in 2012; and

WHEREAS, the school system affords the greatest opportunity for early identification of children who are experiencing academic and/or social difficulties; and children of working parents or guardians who are expelled from school for extended periods of time without supervision are prime targets for gang recruitment and other criminal activities; and

WHEREAS, the critical need for establishing the Crisis Intervention and Behavioral Health Centers is to afford an opportunity for children to receive professional assistance for behavior modification, crime reduction, academic achievement and improvement of self-esteem to overcome anger, hurt, and to learn how to cope with past traumatic experiences. The centers will provide a safe haven and services for those in need as an alternative to incarceration for those who commit minor crimes.

NOW, THEREFORE, BE IT RESOLVED, that the President and the Cook County Board of Commissioners support the development of Crisis Intervention and Behavioral Health Centers and efforts to seek State Capital Funds and Federal matching funds to develop the Centers; and

BE IT FURTHER RESOLVED, that Crisis Intervention and Behavioral Health Centers serve as an alternative to taking those who commit minor crimes to jail; and

BE IT FURTHER RESOLVED, that the JTDC Advisory Board shall work to identify suitable places for the Crisis Intervention and Behavioral Health Centers to be developed and to submit a report on site selection to the Board of Commissioners by October 31, 2014; and

BE IT FURTHER RESOLVED, that the JTDC Advisory Board shall seek input from community stakeholders and participants in the consortium of wraparound service providers including hospitals, universities, professional behavioral health specialists and social workers. The Board will explore the development of the treatment model and enhancing essential service capacity in areas of greatest need.

BE IT FURTHER RESOLVED, that JTDC Advisory Board can make recommendations on policy for early identification and treatment of trauma related illnesses of children.

A motion was made by Commissioner Suffredin, seconded by Commissioner García that this Resolution be recommended for approval as substituted. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

323683

CREATING AN INTERGOVERNMENTAL TASKFORCE TO REDUCE CRIME COMMITTED BY PERSONS WITH MENTAL ILLNESS AND/OR SUBSTANCE ABUSE (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Earlean Collins, County Commissioner.

**CREATING AN INTERGOVERNMENTAL TASKFORCE
TO REDUCE CRIME COMMITTED BY PERSONS WITH
MENTAL ILLNESS AND/OR SUBSTANCE ABUSE**

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the state of Illinois has primary responsibility for individuals with mental illness and drug addiction it has imposed upon Cook County tax payers to shoulder the entire financial burden; and

WHEREAS, the closing of the Illinois state mental institutions coupled with declining resources for treatment at the local level, are the driving influences for the increase in the homeless population, the crime rate, and overcrowding at Cook County Jail; and

WHEREAS, according to the latest law enforcement data approximately 65% of homicides are committed by individuals with mental illness and/or drug addicted; and

WHEREAS, Cook County has experienced a drastic increase in gun crimes resulting in injuring and killing of innocent babies, youth and adult bystanders, which have drawn attention throughout the country and abroad; and

WHEREAS, the release of thousands of ex-offenders and returning veterans who have exhausted all legal means to supply their basic needs create fertile ground for expanding violent subculture; and

WHEREAS, gangs and other criminal elements have formed a culture of violence and retaliation which have begun to dominate economically distressed communities with fear, human trafficking and economic exploitation.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners create an intergovernmental taskforce to reduce crime committed by persons with mental illness and/or substance abuse; and

BE IT FURTHER RESOLVED, that the task force be represented of federal, state, county, local government and community stakeholders. The purpose of the task

force is twofold; (1) to develop a collaborative system of services to facilitate our crime reduction efforts and (2) to provide more humane services for homeless individuals with mental illness, drug addicted, jobless veterans and ex-offenders who have exhausted all legal means for supporting their critical human needs; and

BE IT FURTHER RESOLVED, that the taskforce should be comprised of 21 members selected by the following:

1. Two (2) appointed by the County Board President; and
2. Two (2) appointed by Cook County Hospital Systems Board; and
3. Two (2) appointed by the Governor or the General Assembly: from health & human services; and
4. Three (3) appointed by the Federal Department: one from Health & Human Services, one from HUD and one from the department of Veterans Affairs; and
5. Three (3) appointed by the Mayor of Chicago: one from Department of Human Service, two from Law enforcement; and
6. Two (2) appointed by Cook County Sheriff; and
7. One (1) appointed by Suburban Mayors Association: one appointed by Suburban 708 Mental Health Board; and
8. Two (2) appointed by Cook County Circuit Court: one from mental health court and one from drug court; and
9. Three (3) appointed by Community Mental Health Care Providers Association; and
10. One (1) Clinical Psychologist; and
11. One (1) appointed by Hospital Association; and
12. One (1) appointed by the Coalition of the Homeless; and

BE IT FURTHER RESOLVED, that the duties of the taskforce shall include but not be limited to the following:

1. Determine the number of homeless individuals with mental illness, drug addicted, veterans and ex-offenders who have no legal means to supply their basic human needs; and
2. The number of aforementioned population who have committed serious crimes; and
3. Establish a system of treatment services to respond to their essential human needs in accordance with federal, state and local laws; and
4. Develop a funding consolidation plan that will support a holistic individualized service plan that can be funded by different service providers who are funded and responsible for the various services needs outlined in the individual plan; and
5. Conduct meetings with local police and community service providers to gain first hand knowledge as to the problems and needs of the aforementioned population in order that the service plan will be targeted to respond to their specific needs; and
6. Contract for professional and technical support with Cook County Board approval for staff and other technical and professional services that's essential to fulfill the task force responsibilities, to the extent possible

- utilize existing qualified county task forces and volunteers; and
7. Within ninety days provide a progress report to the Cook County Board; and

BE IT FURTHER RESOLVED, that the specific action plan shall include, but not be limited to the following:

1. Access the number and quality of service providers in the targeted areas. Conduct individual and group meetings to gather firsthand knowledge and information; and
2. Identify specific services and needs of returning homeless veterans. Conduct meetings with US Department of Veteran Affairs and local veteran centers, and organizations; and
3. Identify current and past Government funding sources and dollars spent on service needs over the last several years in the targeted areas; and
4. Conduct a feasibility review of all government special use funds specific to Human Services including grant funds for the target population; and
5. Establish a Cook County Housing Trust Fund in collaboration with the state housing trust fund, Chicago Housing program, US, HUD, US Department of Veterans Affairs, and the Cook County Homes Program which could be administrated under Cook County Land Bank Authority to ensure their low income housing goals; and
6. Establish rules for spending priorities from money saved from crime reduction in Cook County; and
7. To lobby the state Governor and legislators to revisit mandatory sentencing laws; and
8. Expand Crisis Intervention Teams to all police districts in the targeted areas; and

BE IT FURTHER RESOLVED, that all options are explored to establish coordinated funding pools made of stakeholders who target the needs of the family, including but not limited to the following:

1. Employ professionals who qualify for federal reimbursement for health services including psychological and emotional problems; and
2. Work with universities schools of social work to utilize their students who need to meet their practical work experience requirements; and
3. Tuition reimbursement programs for students who agree to work for the county for a specified time and in high crime areas; and
4. Utilize dollars saved by diverting individuals suffering from mental illness and /or drug addiction from the Cook County jails and 1115 waiver; and
5. Consider utilizing the new federal law that allows Counties to establish 708 mental health boards; and
6. Employ clinical social workers and legal advisors to assist law enforcement with domestic violence crisis involving children and families. Funding pool established in collaboration with Illinois Department of Children and Family Services and mental healthcare reimbursement for clinical social workers; and
7. Establish a shared funding pool comprised of:
 - a. Government and private funds designated for crime prevention and intervention; and
 - b. Health and Human Services at all levels of government; and

- c. Housing Funds at all levels of government; and
- d. Job training workforce investment funds; and
- e. Special grants; and
- f. Redirecting a percentage of tax levy for public safety; and
- g. Shifting funds from programs inside prisons and jail to develop services in the communities.

***Referred to the Committee on Criminal Justice on 05/19/13.**

A motion was made by Commissioner Suffredin, seconded by Commissioner Tobolski that this Resolution be recommended for deferral. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski(15)

Absent: Commissioners Vice Chairman Reyes and Fritchey(2)

14-3731

323684 COOK COUNTY JAIL DIVERSION PROGRAM FOR NON VIOLENT MENTALLY ILL AND/OR SUBSTANCE ABUSE DETAINEES OR ARRESTEES (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Resolution sponsored by ~~Toni Preckwinkle, President, Earlean Collins, Jerry Butler, John P. Daley, John A. Fritchey, Bridget Gainer, Jesus G. Garcia, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Stanley Moore, Joan P. Murphy, Edwin Reyes, Timothy O. Schneider, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.~~

**COOK COUNTY JAIL DIVERSION PROGRAM FOR
NON VIOLENT MENTALLY ILL AND/OR
SUBSTANCE ABUSE DETAINEES OR ARRESTEES**

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 46 Law Enforcement, Article IV Jail Diversion Program, Division 2 Program Established, Sections 46-201 through 46-207, of the Cook County Code is hereby amended as follows:

Sec. 46-201. Preamble

WHEREAS, the County of Cook is a home rule unit of government as defined in Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Cook County has an ongoing responsibility for protecting the health and safety of its residents and remains committed to public service that is efficient, equitable and accountable; and

WHEREAS, approximately 20% of the jail population is diagnosed with mental illness and if coupled with the population suffering with substance abuse the number increases to approximately 60%; and

WHEREAS, for individuals with mental illness and substance abuse who are diverted from incarceration Cook County saves an estimated \$2,000.00 per month by avoiding the cost of prosecution and court expenses not including the cost of healthcare. More importantly, it has been well documented that a more efficient use of criminal justice dollars is to allocate resources to diverting non-violent mentally ill and substance abuse detainees or arrestee from incarceration and into holistic community based treatment programs; and

WHEREAS, some diversionary methods currently employed are among the most successful; (1) pre-booking; diversion at the first line of contact by the arresting officer, (2) post-booking; diversion at the State's Attorneys level and (3) the mental health and drug courts; and

WHEREAS, the establishment of a Cook County Jail Diversion Program, in partnership with the State of Illinois, local law enforcement, community-based mental health and social service providers, will reduce Cook County's jail population and improve the quality of life for the aforementioned population.

NOW, THEREFORE, BE IT ORDAINED, by the President and the Cook County Board of Commissioners to amend the Cook County Jail Diversion Program for Non-Violent Mentally Ill and/or Substance Abuse Detainee or arrestee.

Sec. 46-202. Short Title.

This Ordinance shall be cited and known as the "Cook County Jail Diversion Program for Non-Violent Mentally Ill and/or Substance Abuse Detainees or Arrestees".

Sec. 46-201. Purpose.

Sec. 46-203. Purpose.

The purposes of the County Jail Diversion Program are to:

- (1) Improve public safety and reduce overcrowding at the County jail by establishing partnerships and cooperative working relationships between state, federal and local units of government and community based service providers for the housing, and treatment and case management of the mentally ill population non-violent mentally ill and/or substance abuse detainees or arrestees in the Cook County.
- (2) Provide ~~mentally ill and substance abuse offenders~~ non-violent mentally ill and/or substance abuse detainees or arrestees with improved access to the appropriate assessment and treatment services.
- (3) Reduce rates of recidivism among ~~mentally ill and substance abuse offenders~~ non-violent mentally ill and/or substance abuse detainees or arrestees.
- (4) Reduce the jail population in the County.

- (5) Assist in maintaining compliance with the Federal consent decree on jail overcrowding.
- (6) Afford equal access to all people, without regard to race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, housing, or any other protected categories established by law, to alternatives to incarceration.
- (7) Improve positive relationships between target population ~~citizens~~ and law enforcement officers.
- (8) Ease the financial burden on County taxpayers for the cost of treatment for the aforementioned population in the County correctional system.

Sec. 46-204. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County means the County of Cook.

Appropriate Authorities means the Circuit Court of Cook County, the State's Attorney of Cook County, the Sheriff of Cook County, the Public Defender of Cook County and local law enforcement.

Case Management means those services which will assist individuals in gaining access to needed social, educational, medical, treatment and other services. (20 ILCS 301/1-10. Co-occurring Substance Abuse Disorder means an individual with mental illness and substance abuse (M.I.S.A.).

Crisis Intervention means to safely intervene with people in crisis in order to stabilize a crisis situation while minimizing the risk of harm to the individual and all persons involved.

Diversion Plan means an individualized community based treatment and supportive service plan as an alternative to incarceration with a focus on minimizing repeat unlawful conduct.

Felony means an offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided. (720 ILCS 5/2-7).

Class 4 Felony means an offense for which a sentence to a term of imprisonment of 1 to 3 years. (730 ILCS 5/5-8-7).

Mental Health Service Provider means Mental Health Service Providers with expertise in providing comprehensive psychological, emotional and/or psychiatric services, in accordance with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and consistent with standards adopted by recognized professional mental health service provider associations including the Illinois Psychological Association.

Mental illness means a mental or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia or Alzheimer's disease absent psychosis, a substance abuse disorder, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct. (405) ILCS 5/1-129.

Misdemeanors means any offense for which a sentence to a term of imprisonment, other than to a penitentiary, for less than one year may be imposed. (720 ILCS 5/2-11).

Class A misdemeanor means an offense for which a sentence of imprisonment shall be a determinate sentence of less than one year. (730 ILCS 5-4.5-55(a).

Class B misdemeanor means an offense for which a sentence of imprisonment shall be a determinate sentence of not more than 6 months. (730 ILCS 5-4.5-60 (a).

Class C misdemeanor means an offense for which a sentence of imprisonment of not more than 30 days. (730 ILCS 5-4.5-65 (a).

Post Booking Diversion means diversion agreed to by the States Attorney's Office after the arrest of a Detainee as an alternative to prosecution.

Pre-Booking Diversion means diversion agreed to by local law enforcement authorities prior to any formal charges being filed against a detainee.

Substance Abuse Service Providers means individuals in local organizations and health facilities with expertise in providing comprehensive assessments and treatment services in accordance with the Alcoholism and Other Drug Abuse and Dependence Act, 20 ILCS 301/1 et seq., as administered by the Illinois Department of Human Services, formerly known as the Illinois Department of Alcoholism and Substance Abuse.

Target Population mean non-violent mentally ill and/or substance abuse detainee or arrestee, with a primary focus on offenders from areas with the highest crime rates.

Third Party Health Coverage means health coverage provided by public or private reimbursement insurance, including but not limited to 1115 Waiver, Medicaid or Medicare.

Sec. 46-2025. Scope.

The County Board calls upon persons responsible for the administration of the criminal justice system ~~with the in Cook County, and the officials and community service providers responsible for mental health services in the State of Illinois to work together to develop improved and expanded diversion programs for person suffering from non-violent mentally ill and/or substance abuse detainees or arrestees, mental illness and substance abuse disorder in order to determine how such programs might be expanded to promote treatment as an alternative to incarceration on a broader scale within the County. Successful jail diversion programs must incorporate:~~

- (1) Assessments. Detainees who are considered for diversion must agree to undergo an individualized mental health and physical evaluation and assessment and to accept referrals for appropriate services including housing and case management. The program must be designed to reduce the number of non-violent mentally ill and/or substance abuse arrestees or mentally ill and substance abuse detainees entering into the County jail and afford greater opportunities for crisis intervention and essential supportive services.
- (2) Provider Participating service standards providers. ~~To the extent possible, Mental Health and Substance Abuse Disorder~~ In addition to meeting the qualifications established by State and Federal laws for the treatment of mental health and substance abuse disorder Service Providers who participate in the jail diversion program shall be those who are already receiving funds from Federal, State, County, and/or local units of governments for Mental Health and Substance Abuse Disorder services. All County funding for such services, if any, shall be performance based and any renewal shall be contingent upon the quality and quantity of service rendered the previous year. Each participating diverted detainee or arrestee must have an individualized service plan which shall be developed by a licensed professional ~~in the State~~ in the field of mental health and substance abuse ~~disorder~~. This plan must be in collaboration with the appropriate law enforcement officials and the criminal justice system when applicable. The treatment plan shall be consistent with the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1 et seq., and in accordance with the Alcoholism and Other Drug Abuse and Dependency Act, 20 ILCS 301/1 et seq., standards adopted by recognized professional mental health and substance abuse service provider associations including the Illinois Psychological Association, and the Illinois Department of Human Services.
- (3) ~~Regional eCrisis resources for law enforcement A regional 24-hour crisis intervention resource center, operated by a lead agency, shall be established to be utilized by local law enforcement when there is no available service in the impacted area. The crisis center shall assist local law enforcement, including any law enforcement crisis intervention teams, when called upon to stabilize a crisis situation involving a mentally ill and substance abuse offender.~~ Intervention Center. A 24-hour crisis intervention resource center, equipped with social workers will be established and in each police district within the targeted areas to assist with resources for stabilizing and follow-up case management as needed. The crisis center and the crisis intervention team shall be subject to funding by the intergovernmental agreement established in accordance with provisions set forth in Division 3 of this article.
- (4) Third party health care reimbursement sources. In those cases where a diverted detainee does not have a source of third party health coverage, the Cook County Health and Hospital System ~~Bureau of Health Services~~ shall make every concerted effort to assist the diverted detainee in making application for any third party health care reimbursement.

Sec. 46-2036. Target population.

The County's Jail Diversion Program shall focus on ~~the following categories non-violent mentally ill and/or substance abuse detainees or arrestees from the targeted areas, of detainees with a primary focus on offenders within the jurisdiction of agreed upon police districts within the City of Chicago and the Village of Maywood, the jurisdiction of the Juvenile Court and misdemeanor courts of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the jurisdiction of the Mental Health Court located at the Criminal Court Building in the City of Chicago:~~

- ~~(1) Mentally ill detainees and substance abuse detained for Class A, B and C misdemeanors which are nonviolent.~~
- ~~(2) Mentally ill detainees and substance abuse detained for nonviolent Class 4 felony offenses.~~

Sec. 46-2047. Eligibility.

- (1) Non-violent mentally ill and/or substance abuse offender who commits a Class A, B and C misdemeanor is qualified for pre-booking diversion where a plea of guilty is not required.
- (2) Non-violent mentally ill and/or substance abuse offender who commits a non-violent Class 4 felony offense.

~~For pre-booking jail diversion there is no mandatory requirement that a diverted detainee first plead guilty to an offense prior to participating in a diversion program.~~

Sec. 46-2058. Types of jail diversion programs.

(a) This Jail Diversion Program is designed to strengthen existing jail diversion efforts which are currently used by some local law enforcement officials such as station adjustments, peer juries, special courts, and other alternatives to incarceration.

(b) This Jail Diversion Program will include four types of diversion, each of which shall be subject to the approval of the appropriate authorities and have agreed-upon conditions by all parties involved, the agreement shall be tailored to particular circumstances, for which diverted detainees shall be held accountable. The four categories of diversion are as follows:

- (1) Pre-booking diversion. Pre-booking jail diversion does not mandate or require that an detainee or arrestee plea guilty to an offense prior to participation in a diversion program. Pre-booking diversion may be sought by local law enforcement for non-violent mentally ill and/or substance abuse detainees or arrestees mentally ill detainees and substance abuse, booked for Class B and C misdemeanors, as often as possible. The arresting officer shall be the first line of contact and shall be encouraged to take the following basic steps prior to any official charges for minor and/or nuisance crimes:

- a. Attempt to resolve any crisis without harm to the suspect, general public, or law enforcement officials.
 - b. Refer directly to a hospital or treatment center when appropriate.
 - c. Contact parent or guardian if individual with mental illness ~~mentally ill~~ and/or substance abuse ~~detainee~~ is under 17.
 - d. Evaluate the situation and determine if the suspect is potentially divertible.
 - e. Determine if detainee or arrestee can be sent to his or her residence under conditions agreed upon by law enforcement, ~~detainee offender~~, parent(s) or guardian, and the victim of the crime.
 - f. Contact a community based mental health and substance abuse service provider when appropriate for proper assessment and referral for services.
 - g. If no community based mental health and substance abuse service provider is available contact the ~~24-hour regional~~ crisis center for crisis intervention.
 - h. In cases where the detainee or arrestee has caused injury to a person or damage to one's property, the appropriate authorities shall be encourage to explore all efforts for restitution as a condition of pre-booking diversion.
 - i. Complete a detailed incident report.
- (2) Post-booking diversion. This category of diversion may be sought by the State's Attorney for non-violent mentally ill and/or substance abuse detainees who are detained for crimes that constitute Class A misdemeanors and Class 4 felonies ~~and which are nonviolent~~. The State's Attorney may seek a pre-arraignment investigation which may include, but need not be limited to, assessment by a mental health and substance abuse service provider to determine whether the suspect is eligible for diversion. If a diversion plan is agreed upon by all parties involved, it may include a requirement that the diverted detainee adhere to an individualized treatment and service plan developed by an appropriate clinician, provision for restitution with respect to injuries or property damage caused by the diverted detainee and may identify a case manager who shall monitor the diverted detainee's compliance with the diversion plan and report on such compliance as required in the diversion plan.
- (3) Pre-trial diversion to special courts. This level shall continue to emphasize proper assessment and speedy trials for those detainees who have been diagnosed by the appropriate clinicians as being mentally ill having a mental illness or ~~with~~ substance abuse disorders. If a detainee has been diagnosed as being mentally ill having a mental illness or diagnosed with substance abuse disorders and is held over for trial the detainee shall have

immediate access to the appropriate treatment services. The case should be referred to the appropriate special courts for a speedy trial. This category of diversion is subject to the approval of the court.

(4) Post-adjudication diversion.

- a. This category of diversion is for persons adjudicated guilty of an offense by the courts. In cases where a person has also been found, by a licensed clinician, as ~~being mentally ill~~ having a mental illness and suffering with substance abuse and it has been agreed ~~upon~~ on by the courts that a diversion plan may be developed, that person shall be eligible for immediate treatment.
- b. This category of diversion consists of dispositions in the Juvenile Court and the misdemeanor courts within the jurisdiction of the District 4, Maywood Courthouse of the Circuit Court of Cook County and the Mental Health Court. In appropriate cases as ordered by the court, a diversion plan may be developed as a condition of a defendant's probation or supervision. The court may consider assignment of a case manager to monitor the defendant's compliance with the diversion plan and may require notification of the arresting law enforcement agency or other parties prior to the defendant's release from custody or discharge from hospitalization for mental health or substance abuse treatment.

- (5) Resumption of prosecution. Failure to comply with the diversion plan shall subject the diverted detainee to further prosecution.

Sec. 46-2069. Crisis intervention training.

The intergovernmental agreement shall include provisions for shared resources for ~~explore funding and promotion of~~ training opportunities for law enforcement and service providers with respect to crisis intervention involving persons with mental illness and/or substance abuse, ~~which~~ Training shall include recognition of mental illness and substance abusers, knowledge of available local resources and ~~the use of less than lethal force~~ the proper use of force.

Sec. 46-20710. Confidentiality.

The rules of confidentiality, as set forth under the Illinois Mental Health and Developmental Disabilities Code and Alcoholism and Other Drug Abuse and Dependency Act and other applicable State, Federal and local laws, shall be adhered to.

Sec. 46-211. Intergovernmental Agreement.

The Cook County Board President and the Board shall request that the State's Attorney develop an Intergovernmental Agreement between Cook County Board of Commissioners, City of Chicago, State of Illinois, Cook County Sheriff, Cook County Circuit Court, and local units of government within the targeted areas. The agreements shall address the following:

- (1) The role of the State of Illinois, the County of Cook, and community 708 mental health boards in regards to funding and providing services for the target population.
- (2) The feasibility of improved service coverage for diverted detainees or arrestees through shared resources.
- (3) The creation and funding of 24-hour crisis intervention centers.
- (4) Standardized policies and procedures to ensure equal opportunity for all mentally ill and/or substance abuse detainees or arrestees to participate in a diversion program.

Sec. 46-212. Funding.

Mental health and substance abuse service providers participating in the Cook County Jail Diversion Program shall seek reimbursement for their service from third party reimbursement sources (i.e. 1115 Waiver, KidCare, Medicare/Medicaid, and/or private insurance entities) and when applicable may be compensated through Federal, State and local funds; subject to the appropriation and availability from State, County and local government.

Sec. 46-213. Advisory Panel.

The purpose of the Advisory Panel is to establish a strong advocacy and resource group to enhance Cook County's effort to improve the quality of mental health and substance abuse services in Cook County and to reduce the population of non-violent mentally ill and/or substance abuse detainees or arrestees entering the Cook County criminal justice system. The thirteen member panel shall be composed of persons with expertise in law enforcement, criminal justice, assessment and treatment of the mentally ill and substance abuse populations.

Sec. 46-214. Structure.

A thirteen-member Advisory Panel is established to report to the Board of Commissioners regarding the implementation and evaluation of the Cook County Jail Diversion Program.

The Advisory Panel shall consist of thirteen (13) members as follows: (1) appointed by the Chief Judge of the Circuit Court of Cook County, (1) appointed by the Cook County Sheriff, (2) appointed by the Cook County State's Attorney, (1) appointed by the Cook County Public Defender, (2) appointed by the City of Chicago Office of the Mayor, (1) appointed by the Village of Maywood, and (5) appointed by the President of the Cook County Board of Commissioners; from among the following: (1) selected the Cook County Department of Public Health, (1) selected from University of Illinois Jane Addams School of Social Work, (1) selected from Illinois Community Mental Health Providers Association, and (2) selected from a consumer organizations with (1) representing mental health.

This Advisory Panel's composition will reflect the demographics of the County as a whole, with a majority of members selected from the target areas. The Panel shall select officers from among its membership.

Sec. 46-215. Responsibilities of Advisory Panel.

The Advisory Panel shall:

- (1) Recommend administrative policies and procedures for implementation of the Cook County Jail Diversion Program.
- (2) Identify current local, state and federal funding resources for services to the mentally ill and/or substance abuse detainees or arrestees.
- (3) Develop a feasibility study to determine the availability of essential mental health and substance abuse services at the community level, to ensure a successful mental health diversion program for both youth and adults.
- (4) Recommend a structure for maximizing the use of existing resources and making them readily available to law enforcement crisis intervention centers.
- (5) Assist in establishing a collaborative relationship between the State of Illinois, County of Cook, local municipalities and local community based mental health and substance abuse service providers, with emphasis on mutual goals, shared responsibilities and resources.
- (6) Review existing training curriculum for law enforcement officials and make recommendations for change to enhance their ability, where needed, to identify mentally ill and substance abuse persons.
- (7) Establish criteria for measuring the outcome of the programs.
- (8) Devise a plan for minimizing cost through service integration and coordination.
- (9) Lobby federal and state governments to improve funding resources for Jail Diversion Program services at the local level.
- (10) Request that the County apply for funds for support staff to the Advisory Panel.
- (11) Recommend procedures to ensure nondiscriminatory opportunities for detainees and arrestees to participate in a diversion program.

Sec. 46-216. Establishment of Electronic Database.

Law Enforcement, the State's Attorney's Office, the Courts and the Probation Department are required to maintain a data base of information regarding persons who have been diverted by their respective agencies in order to improve information sharing between departments and to assist in identifying repeat offenders who may have been previously diagnosed with a mental illness and/or substance abuse.

Sec. 46-217. Police Evaluations.

Law Enforcement is encouraged to include the following criteria for evaluation of police response to crises involving mentally ill and/or substance abuse offenders. Evaluations of police responses should be consistently conducted on a case-by-case basis to determine the best case practices when detaining or arresting people in crisis. Evaluation criteria should include, but not be limited to, the following:

- (1) Was there any significant violence or harm done to the subject, the general public or law enforcement officials during the process of apprehension?
- (2) Was the crisis resolved on the scene? At the police station? Or elsewhere?
- (3) Where family members alerted and included in the problem solving process in accordance with State and Federal law, when the offender is under the age of 17?
- (4) Was the detainee transported or referred to the appropriate service provider when warranted?
- (5) Was the detainee formally incarcerated?
- (6) Did law enforcement take advantage of community-based resources and were the resources readily available as well as suitable for the situation?
- (7) Was this a repeat encounter with the detainee or arrestee within a year, six months, 90 days, or 45 days, who had participated in a diversion program?

Sec. 46-218. Performance Measurement Standards.

Performance measurement standards shall include, but not limited to, the following:

- (1) Percentage of detainees or arrestees with case managers.
- (2) Total number of detainees or arrestees seen per quarter.
- (3) Number of appointments made for detainee or arrestee and percentage of those kept.
- (4) Percentage of detainees or arrestees with living arrangements.
- (5) The number of periodic follow-ups with detainee or arrestee.
- (6) Percentage of current and accurate detainee or arrestee records that are available for review by any appropriate agency.
- (7) Progress reports on arrestee's or detainee's efforts in complying with their individualized treatment plan.
- (8) Rate of recidivism.

- (9) Reduction in the jail population
- (10) Number of community-based service providers.
- (11) Percentage of detainees or arrestees in diversion programs.
- (12) Percentage of reduction in non-violent crimes.
- (13) Cost analysis
- (14) Increase stakeholder's training regarding identifying and servicing persons with mental illness and/or substance abuse.

Sec. 46-219. Applicability.

As provided in Article VII, Section 6(c), of the State of Illinois Constitution of 1970, if this Ordinance conflicts with an ordinance of a municipality, the municipal's ordinance shall prevail within the municipality. This Ordinance shall be enforceable within the municipal jurisdiction to the extent permitted under the statutes and constitution of the State of Illinois and of the United States of America.

Nothing in this Ordinance shall be construed to compel law enforcement officers, the State's Attorney's Office, the Public Defender's Office, the Circuit Court of Cook County or any office or agency working with those offices in the administration of the criminal justice system to take any action which is inconsistent with the judgment and decisions of those offices or to act in a manner which is contrary to existing law. To the extent that any provision of this Ordinance requires express statutory authorization, the approval of any official or requires an agreement between the affected parties, this Ordinance shall be contingent upon such statutory authorization, approval or agreement.

Sec. 46-220. Severability.

If any article, paragraph, sentence, or clause of this Ordinance or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect any remaining portion, section, or part thereof or application of this Ordinance to any person.

Sec. 46-221. Effective Date.

- (1) This Ordinance shall take effect immediately upon its passage.
- (2) Within six weeks of the passage of this Ordinance an Advisory Panel shall be appointed and approved.
- (3) Within one year after the implementation of this Ordinance, the Advisory Panel shall report to the Cook County Board of Commissioners regarding the number of detainees and arrestees diverted the cost benefits to Cook County, the effectiveness and future viability of the jail diversion program.

Secs. 46-20822 - 46-230. Reserved.

*Referred to the Committee on Criminal Justice on 05/19/13.

A motion was made by Commissioner Suffredin, seconded by Commissioner Tobolski that this Resolution be recommended for deferral. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

ADJOURNMENT

A motion was made by Commissioner Suffredin, seconded by Commissioner Garcia that this committee be adjourned. The motion carried by the following vote:

Ayes: Chairman Collins, Butler, Daley, Gainer, García, Gorman, Goslin, Murphy, Moore, Commissioners Silvestri, Schneider, Sims, Steele, Suffredin and Tobolski (15)

Absent: Commissioners Vice Chairman Reyes and Fritchey (2)

SECTION 2

YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION WITH REGARD TO THE MATTERS NAMED HEREIN:

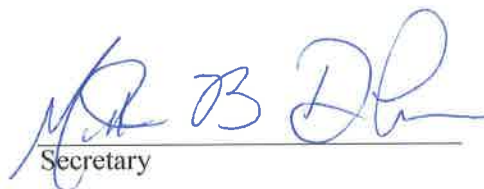
File 14-3726
File 14-3727
File 14-3729
File 14-3731

Recommended for Deferral
Recommended for Approval as Amended
Recommended for Deferral
Recommended for Deferral and File

Respectfully submitted,



Chairman


Secretary

*A video recording of this meeting is available at <https://cook-county.legistar.com/Calendar.aspx>